

FEB 19 2008

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Docket Number (Optional)
5630/07 / 519-037-USP

PAGE 4/38 * RCVD AT 2/19/2008 1:16:28 PM [Eastern Standard Time] * SVR:USPTO-EPXRP-5/46 * DNIS:2738300 * CSID: * DURATION (mm-ss):08-40

FEB 19 2008

PTO/SB/84 (09-06)

Approved for use through 03/31/2007. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. ☒ For fees authorized to be paid hereinabove, the Commissioner is hereby authorized to charge the fees, any deficiency of fees, and credit of any overpayments to Deposit Account No. 503199.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit and authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Damon A. Rieth/

15 February 2008

Signature

Date

Damon A. Rieth

52,167

Typed or printed name

Registration Number, if applicable

Hensley Kim & Holzer

720-377-0770

Address

Telephone Number

1660 Lincoln Street, Suite 3000, Denver, CO 80264

Address

- Enclosures: ☒ Fee Payment Petition to Revive Unintentionally Abandoned Application fee = \$1540.00
- ☒ Reply to Office Action mailed 04 May 2007 with 3-month Petition for Extension and Extension fee \$1050.00
2 independent claims in excess of 3 = \$420.00
- ☐ Terminal Disclaimer Form (Not Applicable)
- ☒ Page 3 herein containing statements establishing unintentional delay
- ☒ Information Disclosure Statement with IDS Fee Payment \$180.00, European Search Report and IDS Certificate

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by FACSIMILE TRANSMISSION (571) 273-8300 on the date shown below to the United States Patent and Trademark Office.

18 February 2008

/Sara B. McPeak/

Date

Signature

Sara B. McPeak

Typed or printed name of person signing certificate

FEB 19 2008

PTO/SB/84 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

NOTE: The following showing of the cause of unintentional delay must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

/Damon A. Rieth/

19 February 2008

Signature

Date

Damon A. Rieth

52,167

Typed or printed name

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

STATEMENT UNDER 37 CFR 1.137(b)(3)

Pursuant to 37 CFR 1.137 (b) (3), the entire delay in filing a reply to the Non-Final Office Action mailed May 4, 2007 was unintentional.

The Non-Final Office Action was sent to Thelen, Reid, Brown, Raysman & Steiner LLP (Thelen) which had the Power of Attorney on 04 May 2007. Thelen did not forward the Notice of Allowance to the Applicant (Level 3 Communications) or the undersigned until 17 December 2007. As such, the Undersigned and the Applicant did not receive the Non-Final Office Action until 1 ½ months after the Final Response deadline for the Non-Final Office Action. The Undersigned and the Applicant have diligently worked to obtain assignments from the inventors in order to change the Power of Attorney and correspondence address.

Dated: 2.19.08

Signed /Damon A. Rieth/

Damon A. Rieth
Hensley Kim & Holzer
1660 Lincoln Street, Suite 3000
Denver, CO 80264
Phone: 720-377-0770

(Please attach additional sheets if additional space is needed.)

[Page 3 of 3]

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number: 69693

OR

☐ Practitioner(s) named below (If more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number: 69693

OR

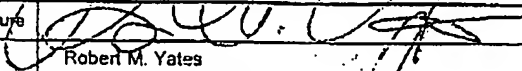
<input type="checkbox"/> Firm or Individual Name			
Address			
City	State	Zip	
Country			
Telephone	Email		

Assignee Name and Address:

Level 3 Communications, LLC
1025 Eldorado Boulevard
Broomfield, Colorado 80021

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record
The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	July 19, 2007
Name	Robert M. Yates	Telephone	(703) 888-2263
Title	Senior Vice President		

This collection of information is required by 37 CFR 1.31, 1.37 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Derek Mitsumori and Michael BajApplication No./Patent No.: 10/629,521 Filed/Issue Date: 29 July 2003Entitled: SYSTEM AND METHOD FOR GENERATING REPORTS IN A NETWORKLevel 3 Communications, LLC a limited liability company of Delaware

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is _____
in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor _____ to _____ of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____.
- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From Michael Baj To: Level 3 Communications, LLC

The document was recorded in the United States Patent and Trademark Office on 2 February 2008 at Reel 020457 Frame 0707.

2. From: Derek Mitsumori To: Level 3 Communications, LLC

The document was recorded in the United States Patent and Trademark Office _____ at Reel _____, Frame _____, or for which a copy thereof is attached dated 21 January 2008.

- ☒ A copy of Assignment in the chain of title is attached.

(NOTE: A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08] (Agreements are being recorded concurrently with this Statement).

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Damon A. Rieth/

Signature

Damon A. Rieth

Printed or Typed Name

Attorney for Assignee

Title

19 February 2008

Date

720-377-0770

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20331

REQUEST FOR PATENT FEE REFUND												
1 Date of Request: <u>05/24/08</u>		2 Serial/Patent # <u>10/629,521</u>										
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT								
	Filing			\$								
	Amendment			\$								
<input checked="" type="checkbox"/>	Extension of Time		02/19/08	\$ 1,050.00								
	Notice of Appeal/Appeal			\$								
	Petition			\$								
	Issue			\$								
	Cert of Correction/Terminal Disc.			\$								
	Maintenance			\$								
	Assignment			\$								
	Other			\$								
			7 TOTAL AMOUNT OF REFUND		\$ 1,050.00							
8 TO BE REFUNDED BY:												
10 REASON:		Treasury Check										
<input checked="" type="checkbox"/>	Overpayment	X Credit Deposit A/C #:										
	Duplicate Payment	9 <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; text-align: center;">5</td> <td style="width: 20px; text-align: center;">0</td> <td style="width: 20px; text-align: center;">--</td> <td style="width: 20px; text-align: center;">3</td> <td style="width: 20px; text-align: center;">1</td> <td style="width: 20px; text-align: center;">9</td> <td style="width: 20px; text-align: center;">9</td> </tr> </table>				5	0	--	3	1	9	9
5	0	--	3	1	9	9						
	No Fee Due (Explanation):											
11 REFUND REQUESTED BY:												
TYPED/PRINTED NAME: <u>Tredelle Jackson</u>		TITLE: <u>Paralegal</u>										
SIGNATURE: <u>Tredelle Jackson</u>		PHONE: <u>2-2783</u>										
OFFICE: <u>Office of Petition</u>												
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****												
APPROVED: <u>[Signature]</u>		DATE: <u>6/5/08</u>										

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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Refund Branch
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